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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/780,767	02/19/2004	Keisuke Wakabayashi	040302-0383 2070		
22428 7590 10/11/2007 FOLEY AND LARDNER LLP			EXAMINER		
SUITE 500			MAPLES, JOHN S		
3000 K STREI WASHINGTO			ART UNIT	PAPER NUMBER	
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			MAIL DATE	DELIVERY MODE	
		•	10/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/780,767	WAKABAYASHI, KEISUKE		
Examiner	Art Unit		
John S. Maples			

The MALING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 01 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following a Replace of the Replace of Replace o		John S. Maples	1795				
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1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or or evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: b) ☐ reperiod for reply expires 2 months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In case the Appeal of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In the Advisory Action, or (2) the Advisory Action or (3) and the appropriate developed the Advisory Action or (3) as action to (4) advisors, in check, and Ary reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any sermed patent term adjustment. See 37 CFR 1.704(b). c) ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a), to avoid dismissal of the appeal. Since a Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal was fi	•••						
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is not event, however, will the statutory period for reply expire later than SX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the flee. The appropriate extension fee industry of the filed of the filed force actions (7) as set (orth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any seamed patent term adjustment. See 37 CFR 1.794(b). MOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet (See 37 CFR 1.115 and 41.33(a)). (a) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additiona	1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance.	the same day as filing a Notice of ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in the same of the sam	Appeal. To avoid aba idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)			
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have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 117(a) is calculated from: (1) the expiration date of the shortened statutory period for reply period for the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL The Notice of Appeal was filed on	b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire a Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 76	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE D6.07(f).	g date of the final rejecti E FIRST REPLY WAS F	on. ILED WITHIN			
2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheat. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. Claim(s) objected to:	have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b)	tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as			
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12 Distantia attacked information Displaceurs Statement(s) (DTO/SD/08) Denor No/s)		n of the status of the claims after e	ntry is below or attacl	ned.			
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). JOHN S. MAPLES PRIMARY EXAMINER	11. The request for reconsideration has been considered but	t does NOT place the application in	n condition for allowa	nce because:			
PRIMARY EXAMINER		(PTO/SB/08) Paper No(s)	JOHN S. M	APLES			
		•	PRIMARY EX	AWIIAELI			

'Continuation of 3. NOTE: the changes to the claims results in new issues with regard to claims 2, 3, 5, 7-11.